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DOCKET NO.: 215550US0XPCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Peter OTTERSBACH et al.

SERIAL NUMBER: 09/926,507

FILED: 13 November 2001

FOR: PROCESS FOR PREPARING INHERENTLY MICROBICIDAL POLYMER SURFACES

**RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371**  
ASSISTANT COMMISSIONER FOR PATENTS & TRADEMARKS  
WASHINGTON, D.C. 20231

SIR:

Responsive to the notification dated 13 December 2001, and in accordance with the provisions of 35 U.S.C. 371, Applicants submit herewith a Rule 63 Declaration and a Preliminary Amendment. As a result of the Preliminary Amendment, no multiple dependencies remain in the claims. Accordingly, no additional claims fees are due.

The required surcharge was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Our check in the amount of \$-0.00- is attached hereto. If any variance exists between the amount enclosed and the required Government fee, please charge or credit the difference to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136 and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

03/18/2002 BCAMPBEL 00000007 150030 09926507

01 FC:156 130.00 CH

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

*Norman F. Oblon*

Norman F. Oblon  
Attorney of Record  
Registration No. 24,618  
Surinder Sachar  
Registration No. 34,423



**22850**

FORM PTO-1390 (Modified)  
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

**215550US0XPCT**

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR  
**09/926,507**

INTERNATIONAL APPLICATION NO.  
**PCT/EP00/02780**

INTERNATIONAL FILING DATE  
**30 March 2000**

PRIORITY DATE CLAIMED  
**12 May 1999**

TITLE OF INVENTION

**PROCESS FOR PREPARING INHERENTLY MICROBICIDAL POLYMER SURFACES**

APPLICANT(S) FOR DO/EO/US

**Peter OTTERSBAACH et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☒ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 20 below concern document(s) or information included:**

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☐ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

**Notification of Missing Requirements****Response to Notification of Missing Requirements****Amended Sheets (Pages 7, 15, and 16)****Form PTO-1449**

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.492 (a)(1))  
09/926,507

INTERNATIONAL APPLICATION NO.  
PCT/EP00/02780

ATTORNEY'S DOCKET NUMBER  
215550US0XPCT

24. The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :**

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1040.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$890.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$740.00
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$710.00
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$0.00

\$0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

| CLAIMS             | NUMBER FILED | NUMBER EXTRA | RATE      |
|--------------------|--------------|--------------|-----------|
| Total claims       | 10 - 20 =    | 0            | x \$18.00 |
| Independent claims | 1 - 3 =      | 0            | x \$84.00 |

Multiple Dependent Claims (check if applicable) ☐

**TOTAL OF ABOVE CALCULATIONS =**

\$0.00

☐ Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.

\$0.00

**SUBTOTAL =**

\$0.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

\$0.00

**TOTAL NATIONAL FEE =**

\$0.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable) ☐

\$0.00

**TOTAL FEES ENCLOSED =**

\$0.00

|                        |    |
|------------------------|----|
| Amount to be: refunded | \$ |
| charged                | \$ |

- a. ☐ A check in the amount of \$0.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_ A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Surinder Sachar  
Registration No. 34,423



22850

SIGNATURE

Norman F. Oblon

NAME

24,618

REGISTRATION NUMBER

DATE

Feb. 6 2002

Docket No. 215550US0XPCT

IN RE APPLICATION OF: Peter OTTERSBACH et al.

SERIAL NO: 09/926,507

FILED: November 13, 2001

FOR: PROCESS FOR PREPARING INHERENTLY MICROBICIDAL POLYMER SURFACES

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required

☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.

☒ Additional documents filed herewith: Notification of Missing Requirements/Response to Notification of Missing Requirements/Declaration/Amended Sheets (Pages 7, 15, and 16)  
PCT Transmittal Letter/Information Disclosure Statement/Form PTO-1449

The Fee has been calculated as shown below:

| CLAIMS      | CLAIMS<br>REMAINING |  | HIGHEST<br>NUMBER<br>PREVIOUSLY<br>PAID | NO.<br>EXTRA<br>CLAIMS | RATE      | CALCULATIONS |        |
|-------------|---------------------|--|---|------------------------|-----------|--------------|--------|
| TOTAL       | 10                  | MINUS  | 20                                      | 0                      | × \$18 =  | \$0.00       |        |
| INDEPENDENT | 1                   | MINUS  | 3                                       | 0                      | × \$84 =  | \$0.00       |        |
|             |                     | <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS                   |   |                        | + \$280 = | \$0.00       |        |
|             |                     | TOTAL OF ABOVE CALCULATIONS  |   |                        |           |              | \$0.00 |
|             |                     | <input type="checkbox"/> Reduction by 50% for filing by Small Entity |   |                        |           |              | \$0.00 |
|             |                     | <input type="checkbox"/> Recordation of Assignment                   |   |                        | + \$40 =  | \$0.00       |        |
|             |                     | TOTAL  |   |                        |           |              | \$0.00 |

☐ A check in the amount of is attached.

☒ Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

*Norman F. Oblon*

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Registration No. 24,618

Surinder Sachar  
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

|   |   |                                   |
|---|---|-----------------------------------|
| U.S. APPLICATION NUMBER NO.<br>09/926,507 | FIRST NAMED APPLICANT<br>Peter Zum Beuel Ottersbach | ATTY. DOCKET NO.<br>2155550USXPCT |
|---|---|-----------------------------------|

|   |                             |
|---|-----------------------------|
| INTERNATIONAL APPLICATION NO.<br>PCT/EP00/02780 |                             |
| I.A. FILING DATE<br>03/30/2000                  | PRIORITY DATE<br>05/12/1999 |

22850  
OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC  
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1755 JEFFERSON DAVIS HIGHWAY  
ARLINGTON, VA 22202

CONFIRMATION NO. 6651  
371 FORMALITIES LETTER



\*OC000000007186582\*

Date Mailed: 12/13/2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of \$280 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees

are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$280 for a Large Entity:

- Total additional claim fee(s) for this application is \$280
  - \$280 for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 09/926,507                  | PCT/EP00/02780                | 2155550USXPCT    |